

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CRIMINAL ACTION NO. 4:11CR223
§
DANIEL DALE RAMBO §
§
Defendant. §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 23, 2016, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Jay Combs.

On May 3, 2013, Defendant was sentenced by the Honorable United States District Judge Marcia A. Crone of the Eastern District of Texas after pleading guilty to the offense of Using a Communication Facility to Facilitate a Drug Trafficking Crime. Defendant was sentenced to forty-eight (48) months imprisonment followed by a 1-year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, mental health treatment, and a \$100 special assessment.

On November 10, 2015, Defendant completed his period of imprisonment and began service of his term of supervised release.

On May 23, 2016, the U.S. Probation Officer executed a First Amended Petition for Warrant or Summons for Offender Under Supervision [Dkt. 785 Sealed]. The Petition asserted that Defendant violated five (5) conditions of supervision, as follows: (1) and (2) Defendant shall not commit another federal, state, or local crime; (3) Defendant shall participate in a program of testing and treatment abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer; (4) Defendant shall refrain from any unlawful use of a controlled substance; and (5) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following acts: (1) and (2) On April 18, 2016, Mr. Rambo was charged with Assault Causes Bodily Injury Family Violence by Flower Mound Police Department. Mr. Rambo's ex-girlfriend, Megan Collier, alleged that he knowingly struck her in the face with an open palm on or about January 9, 2016. A warrant was issued, and Mr. Rambo was arrested by Denton County Sheriff's Office on May 4, 2016. On April 22, 2016, Mr. Rambo was charged with Publish/Threat to Publish Intimate Visual Material by Flower Mound Police Department for posting a nude photo of Megan Collier on the social media website Facebook. A warrant was issued, and Mr. Rambo was arrested by Denton County Sheriff's Office on May 4, 2016; (3) Mr. Rambo failed to report to Addiction Recovery Center to submit a urine sample as directed on April 28, 2016. Additionally, Mr. Rambo failed to attend scheduled substance abuse counseling sessions at Addiction Recovery Center on February 4, February 18, March 17, and April 28, 2016; and (4) and (5) On May 16, 2016, Mr. Rambo reported to the U.S. Probation Office and submitted a urine sample which tested positive for

marijuana. Mr. Rambo admitted that he smoked marijuana multiple times in the previous two weeks and signed an admission form stating such.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations three (3), four (4), and five (5) of the Petition, specifically that Defendant failed to report to Addiction Recovery Center to submit a urine sample as directed. Additionally, Mr. Rambo failed to attend scheduled substance abuse counseling sessions at Addiction Recovery Center. Mr. Rambo reported to the U.S. Probation Office and submitted a urine sample which tested positive for marijuana. Mr. Rambo admitted that he smoked marijuana multiple times in the previous two weeks and signed an admission form stating such. The Government withdrew allegations one (1) and two (2). Having considered the Petition and the plea of true to allegations three (3), four (4), and five (5), the Court finds that the Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons in the El Reno Oklahoma facility, if appropriate.

SIGNED this 23rd day of June, 2016.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE